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*Attorneys for Plaintiffs*

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
PORTLAND DIVISION

RAYMOND BALL, an individual, and JOSEPH  
TOTH, an individual,

Plaintiffs,

v.

MATTHEW CARSON, an individual,  
WILLIAM CARSON, an individual,  
TERRANCE THURBER, an individual,  
THOMAS THURBER, an individual, DG  
ROLLINS MINING, LLC, a Wyoming limited  
liability company, COLUMBIA GORGE DATA  
CENTER, LLC, a Nevada limited liability  
company, WHC & SWC INVESTMENTS, LTD,  
a Texas limited partnership, INTELLIGENT  
INVESTMENTS, LLC, a Texas limited liability  
company, and SNICKERS #1, LLC, a Texas  
limited liability company,

Defendants.

Case No. 3:19-cv-00242-HZ

**Motion to Extend Discovery Deadlines**

**LR 7-1 Certification**

The undersigned counsel certify that the parties conferred by telephone and email regarding this motion. Counsel for defendants has indicated that defendants oppose the motion and will be filing a response.

## **Motion**

Pursuant to Fed. R. Civ. P. 6(b), plaintiffs move the court for a 60-day extension of the discovery deadlines in this case, from April 11, 2020 to June 11, 2020. This motion is supported by the reasons set forth in the accompanying Declaration of Counsel. Due to the national state of emergency related to the COVID-19 pandemic, the requested extension is necessary to permit the parties to complete discovery, including conduct a few short depositions and complete document discovery. This request is not made for the purpose of delay, and will not affect the other court deadlines.

The current Pretrial and Discovery Deadlines are as follows:

- (a) within 120 days of the Discovery and Pretrial Scheduling Order:
  - i. File all pleadings pursuant to Fed. R. Civ. P. 7(a) and 15;
  - ii. Join all claims, remedies, and parties pursuant to Fed. R. Civ. P. 18 and 19;
  - iii. File all pretrial, discovery, and dispositive motions;
  - iv. Complete all discovery; and
  - v. Confer as to Alternative Dispute Resolution pursuant to LR 16-4(c).
  
- (b) within 150 days of this Order:
  - i. File Joint ADR Report pursuant to LR 16-4d); and
  - ii. File a Proposed Pretrial Order pursuant to LR 16-5.

Plaintiffs request Pretrial and Discovery Deadlines as follows:

- (a) within 120 days of the Discovery and Pretrial Scheduling Order:
  - i. File all pleadings pursuant to Fed. R. Civ. P. 7(a) and 15;
  - ii. Join all claims, remedies, and parties pursuant to Fed. R. Civ. P. 18 and 19;
  
- (b) within 150 days of the Discovery and Pretrial Scheduling Order:
  - i. File all pretrial, discovery, and dispositive motions;
  - ii. Complete all discovery; and
  - iii. Confer as to Alternative Dispute Resolution pursuant to LR 16-4(c).
  - iv. File Joint ADR Report pursuant to LR 16-4d); and
  - v. File a Proposed Pretrial Order pursuant to LR 16-5.

### Conclusion

Plaintiffs respectfully move the Court for an extension of the discovery deadlines.

DATED: March 19, 2020

COSGRAVE VERGEER KESTER LLP

*s/ Amber A. Beyer*

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Attorneys for Plaintiffs

## CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the foregoing **Motion to Extend Discovery Deadlines** on the date indicated below by:

- mail with postage prepaid, deposited in the US mail at Portland, Oregon,
- hand delivery,
- facsimile transmission,
- overnight delivery,
- electronic filing notification.

If served by facsimile transmission, attached to this certificate is the printed confirmation of receipt of the documents generated by the transmitting machine. I further certify that said copy was placed in a sealed envelope delivered as indicated above and addressed to said attorneys at the addresses listed below:

Peter J. Viteznik  
Robert B. Miller  
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DG Rollins Mining, LLC and  
Columbia Gorge Data Center, LLC

DATED: March 19, 2020

*s/ Amber A. Beyer*  
Amber A. Beyer